

RESOLUTION NO. 2016289

RE: CALLING FOR AN INCREASE IN SHARE OF
REVENUE COUNTIES RETAIN FOR PROVIDING
STATE DMV SERVICES

Legislators SAGLIANO, BORCHERT, MICCIO, BOLNER, LANDISI, HORTON, TRUITT, JETER-JACKSON, FLESLAND, and PULVER offer the following and moves its adoption:

WHEREAS, New York State County Clerks play a historic and important rule as public servants, and

WHEREAS, the Office of the County Clerk, as well as the offices of the Sheriff and the District Attorney, was created under the New York State Constitution, and

WHEREAS, over 240 years later, the role of the County Clerk as the chief record and filing officer for the county have remained consistent, but their duties have grown much more complex with changes in population, technology, and the state's laws, policies and regulations, and

WHEREAS, today 51 of the 62 New York Counties are mandated by the State of New York ("State") to operate a local Department of Motor Vehicles (DMV) Office, and

WHEREAS, this local DMV operation is one of the many examples of shared services that counties provide for the State; and

WHEREAS, under current law the State takes 87.3 percent of all fees collected from the work performed by the county operated DMVs and

WHEREAS, the remaining 12.7 percent county share has not been increased since 1999, yet the amount of work required by the local DMV offices has increased in that same time period, and

WHEREAS, the Governor and the State Legislature have repeatedly stated that lowering the property tax burden on local residents is a key priority, and

WHEREAS, increasing the county DMV revenue sharing rate with the State will not result in any increased costs or fees to local residents or taxpayers and will provide counties with needed revenue to continue to provide necessary local government services; and

WHEREAS, the current funding formula whereby the State retains 87.3 percent of the revenue generated from the services provided by the county DMVs to state residents does not

adequately compensate counties for the costs associated with the delivery of the DMV services, and

WHEREAS, the State Senate recognized this inequity placed on counties and attempted to reduce the burden of local property taxpayers by overwhelmingly passing Senator Richie's bill S.4964, which would raise the 12.7 percent county share up to a 25 percent share, and

WHEREAS, the counties recognize the important function of the state DMV in providing both support to counties and resident services; accordingly, any loss in state DMV operational budget that occurs from an increased county revenue should be made whole through the State General Fund, now therefore be it

RESOLVED, that the County of Dutchess calls on Governor Andrew M. Cuomo and members of the State Legislature to raise the 12.7 percent County share up to a 25 percent share, and be it further

RESOLVED, that the Clerk of this Legislature shall forward copies of this Resolution to Governor Andrew M. Cuomo, the New York State Legislature and all others deemed necessary and proper.

CA-148-16

CAB/kvh/G-0130-A

10/13/16

Fiscal Impact: See attached statement

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8th day of December 2016, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8th day of December 2016.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ _____

Total Current Year Revenue \$ 1,970,000

and Source

A.1410.13.12550.05 - Clerk Fees - Motor Vehicle Fees

Source of County Funds (check one): ☐ Existing Appropriations, ☐ Contingency,
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other (explain).

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:

The current 12.7% county share of DMV fee revenue is projected result in over \$2 million of revenue for 2017. Increasing the County share to 25% of DMV fee revenue collected, would result in a projected increase of \$1.97 million in revenue for 2017.

Prepared by: Rachel Kashimer, Budget Office

Prepared On: 10/20/2016

STATE OF NEW YORK

4964--B

2015-2016 Regular Sessions

IN SENATE

April 24, 2015

Introduced by Sens. RITCHIE, MARCHIONE, ORTT, SERINO -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to increasing the retention percentage collected for certain motor vehicle service fees

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Subdivisions 3 and 3-a of section 205 of the vehicle and
- 2 traffic law, subdivision 3 as amended by section 3 of part G of chapter
- 3 59 of the laws of 2008 and subdivision 3-a as added by section 1 of part
- 4 F of chapter 58 of the laws of 2012, are amended to read as follows:
- 5 3. Each such county clerk shall retain from fees collected for any
- 6 motor vehicle related service described in subdivision one of this
- 7 section processed by such county clerk an amount based on a percentage
- 8 of gross receipts collected. For purposes of this section, the term
- 9 "gross receipts" shall include all fines, fees and penalties collected
- 10 pursuant to this chapter by a county clerk acting as agent of the
- 11 commissioner, but shall not include any state or local sales or compen-
- 12 sating use taxes imposed under or pursuant to the authority of articles
- 13 twenty-eight and twenty-nine of the tax law and collected by such clerk
- 14 on behalf of the commissioner of taxation and finance. The retention
- 15 percentage shall be ~~{12-7}~~ twenty-five percent and shall take effect
- 16 [April] January first, ~~{nineteen-hundred-ninety-nine}~~ two thousand
- 17 seventeen; provided, however, the retention percentage shall be ~~{thirty}~~
- 18 sixty percent of the thirty dollar fee established in paragraph (e) of

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD10317-04-6

1 subdivision two of section four hundred ninety-one and paragraph f-one
2 of subdivision two of section five hundred three of this chapter.
3 3-a. In addition to the fees retained pursuant to subdivision three of
4 this section, each county clerk acting as the agent of the commissioner
5 pursuant to subdivision one of this section shall retain ~~(four)~~ eight
6 percent of "enhanced internet and electronic partner revenue" collected
7 by the commissioner. For the purposes of this subdivision, "enhanced
8 internet and electronic partner revenue" shall mean the amount of gross
9 receipts attributable to all transactions conducted on the internet by
10 residents of such county and by designated partners of the department on
11 behalf of such residents for the current calendar year that exceeds the
12 amount of such revenue collected by the commissioner during calendar
13 year two thousand eleven. The commissioner shall certify the amounts to
14 be retained by each county clerk pursuant to this subdivision.
15 ~~[Provided, however, that if the aggregate amount of fees retained by~~
16 ~~county clerks pursuant to this subdivision in calendar years two thou-~~
17 ~~sand twelve and two thousand thirteen combined exceeds eighty-eight~~
18 ~~million five hundred thousand dollars, then the percentage of fees to be~~
19 ~~retained thereafter shall be reduced to a percentage that, if applied to~~
20 ~~the fees collected during calendar years two thousand twelve and two~~
21 ~~thousand thirteen combined, would have resulted in an aggregate~~
22 ~~retention of eighty-eight million five hundred thousand dollars or 2.5~~
23 ~~percent of enhanced internet and electronic partner revenue, whichever~~
24 ~~is higher. If the aggregate amount of fees retained by county clerks~~
25 ~~pursuant to this subdivision in calendar years two thousand twelve and~~
26 ~~two thousand thirteen combined is less than eighty-eight million five~~
27 ~~hundred thousand dollars, then the percentage of fees to be retained~~
28 ~~thereafter shall be increased to a percentage that, if applied to the~~
29 ~~fees collected during calendar years two thousand twelve and two thou-~~
30 ~~sand thirteen combined, would have resulted in an aggregate retention of~~
31 ~~eighty-eight million five hundred thousand dollars, or six percent of~~
32 ~~enhanced internet and electronic partner revenue, whichever is less. On~~
33 ~~and after April first, two thousand sixteen, the percent of enhanced~~
34 ~~internet and electronic partner revenue to be retained by county clerks~~
35 ~~shall be the average of the annual percentages that were in effect~~
36 ~~between April first, two thousand twelve and March thirty-first, two~~
37 ~~thousand sixteen.]~~
38 § 2. This act shall take effect on the first of January next succeed-
39 ing the date on which it shall have become a law.